

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:05-CR-00097-F-1

UNITED STATES OF AMERICA,	)	
	)	
v.	)	<u>ORDER</u>
	)	
RUSSELL JONATHAN CARROLL,	)	
Defendant.	)	

This matter is before the court on Russell Jonathan Carroll's February 12, 2015 letter motion [DE-38]. In his motion, Carroll requests a free copy of his revocation hearing transcript.

Title 28, United States Code, Section 753(f) addresses the circumstances under which transcripts may be provided to an indigent defendant at the government's expense. The statute, in pertinent part, provides:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under § 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

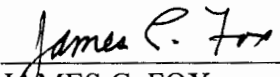
28 U.S.C. § 753(f). An indigent defendant may be entitled to transcripts at the government's expense if he has stated a proper ground for relief and the transcripts are indispensable. *United States v. Glass*, 317 F.2d 200, 202-03 (4th Cir. 1963). An indigent defendant is not entitled to transcripts at the government's expense "merely to comb the record in the hope of discovering some flaw." *Id.* at 202.

In this case, Carroll states that he needs the transcript to review his case to determine if he

has any options for relief. Carroll is merely trying to comb the record in the hopes of discovering some flaw. Consequently, Carroll's February 12, 2015 letter motion [DE-38] is DENIED.

SO ORDERED.

This, the 26 day of February, 2015.

  
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JAMES C. FOX  
Senior United States District Judge